

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2015 NOV -5 PM 4: 40

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

KYLE ADAM KIRBY

CASE NO. 3:15-cr-175-J-3aJBT
Ct. 1: 18 U.S.C. § 2252(a)(4)(B)
Forfeiture: 18 U.S.C. § 2253

INDICTMENT

The Grand Jury charges:

COUNT ONE

During the period from on or about December 24, 2014 through on or about October 22, 2015, at Live Oak, in Suwannee County, in the Middle District of Florida,

KYLE ADAM KIRBY,

defendant herein, did knowingly possess and access with intent to view, one (1) or more matters which contained visual depictions which were produced using materials which have been shipped and transported in or affecting interstate and foreign commerce, that is, a Fujitsu computer hard disk drive, serial number K62AT8C2819F, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct and which visual depictions were of such conduct, and at least one of which depictions involves a prepubescent minor,

including that specifically identified in the following computer file titled “babyj – rca2.mpg.jpg,” among others.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253.

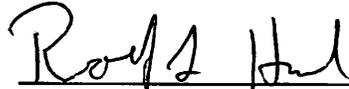
2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2), the defendant, KYLE ADAM KIRBY, shall forfeit to the United States of America, any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, and/or 2260 of Chapter 110 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110 of Title 18; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

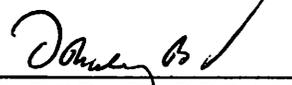
A TRUE BILL,



Foreperson

A. LEE BENTLEY, III
United States Attorney

By:



D. RODNEY BROWN
Assistant United States Attorney

By:



MAC D. HEAVENER, III
Assistant United States Attorney
Deputy Chief, Jacksonville Division

UNITED STATES DISTRICT COURT

Middle District of Florida
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

KYLE ADAM KIRBY

INDICTMENT

Violations:

Count 1: 18 U.S.C. § 2252(a)(4)(B)

A true bill,



Foreperson

Filed in open court this 5th day

of November, 2015.


Deputy Clerk

Bail \$ _____